

JUN 20 2008

PTO/SB/84 (11-07)
Approved for use through 11/30/2007 OMB 0551-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
81217-358194

First named inventor: Constance M. John

Application No.: 10/726,198

An Unit 1643

Filed December 2, 2003

Examiner PETER J. REDDIG

Title: SUSTAINED RELEASE N-TERMINALLY TRUNCATED GALECTIN-3 AND ANTIBODIES TO
GALACTIN-3 CARBOHYDRATE LIGANDS FOR USE IN TREATING DISEASE

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P O Box 1450

Alexandria, VA 22313-1450

FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$770.00, (37 CFR 1.17(m)). Applicant claims small entity status See 37 CFR 1.27☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Response to Restriction Requirement dated September 20, 2007 (identify type of reply):☐ has been filed previously on _____☒ is enclosed herewith

B. The issue fee of \$

☐ has been paid previously on _____☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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T-312 P.04/15 F-581

PTO/SB/64 (11-07)

Approved for use through 11/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$___ for a small entity or \$___ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Constance M. John
Signature
Constance M. John, President, Mandameq, Inc.
Typed or printed name

June 12, 2008
Date

685 Third Street, Suite 250
Address

Registration Number, if applicable
415-495-5570
Telephone Number

San Francisco, California 94107
Address

Enclosures: ☒ Fee Payment☒ Response to Restriction Requirement dated September 20, 2007☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay*☒ Other: Power of Attorney

Statement Under 37 CFR 3.73(b)

*Petition for Revival of an Application for Patent Abandoned Unintentionally

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

June 20, 2008
Date

Aimee Miller
Signature
Aimee Miller

Typed or printed name of person signing certificate

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JUN 20 2008Appln No.: 10/726,198
Any ref 81217.358194

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Constance M. Johns, et al.	Examiner: Peter J. Reddig
Appln. No.: 10/726,198	Group Art Unit: 1642
Filing Date: December 02, 2003	Confirmation No.: 3458
Title: SUSTAINED RELEASE N- TERMINALLY TRUNCATED GALCTIN-3 AND ANTIBODIES TO GALECTIN-3 CARBOHYDRATE LIGANDS FOR USE IN TREATING DISEASE	Customer No.: 35657
	Docket No.: 81217-358194

Mail Stop **PETITION**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

I CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE
TRANSMITTED TO THE U.S. PATENT AND TRADEMARK OFFICE (FAX
NO. (571) 273-8300), ON JUNE 20 2008
TYPED OR PRINTED NAME OF PERSON SIGNING THIS CERTIFICATE:
Aimee Miller**PETITION TO REVIVE FOR FAILURE TO REPLY TO AN OFFICE
ACTION UNDER 37 CFR 1.137(b)**

This communication is in response to a Notice of Abandonment mailed May 23, 2008, in the above referenced application.

Enclosed herewith is a Petition to Revive Due to Failure to Respond to an Office Action accompanied by the appropriate fees (37 CFR 1.17(m)). In addition, a newly executed and revised Power of Attorney, as well as, an executed statement under 3.73(b) are enclosed to correct the errors noted in the previously filed Power of Attorney. The revised Power of Attorney identifies: 1) the chain of title (please see referenced Assignments by reel and frame number) and 2) that this patent is assigned to Mandelmed, Inc. (Reel 020523 Frame 0429). Dr. Johns is the President of Mandelmed, Inc and has official signatory authority on behalf of Mandelmed, Inc. To remedy the failure to respond to an office action, a Response to the outstanding Restriction Requirement mailed on September 20, 2007 is attached.

**RECEIVED
CENTRAL FAX CENTER**Appln No. 10/726,198
Atty ref 81217 358194**JUN 20 2008**

The Petitioners believe that all outstanding deficiencies have now been corrected and appropriate fees have been submitted. If additional fees are due, the Commissioner is authorized to charge Deposit Account No. 06-0029. If a teleconference is required to address any issues regarding reinstatement of the above referenced patent, please telephone the undersigned.

Respectfully submitted,

FAEGRE & BENSON LLP

By: /Roberta Jean Hanson/
Roberta Jean Hanson
Patent Agent
Reg. No. 51,774
(303) 607-3766
Customer No.: 35657

Dated: June 20, 2008